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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MEDFORD DIVISION

**ANDRE BILODEAU, ROBERT BESSY,
AMBER MCNAB AND GREG
KILLINGSWORTH, TRAVIS GREINER,
RONDA BJORK**, individuals, on behalf of
themselves and all others similarly situated;
and DOES 3 through 100,

Plaintiffs,

v.

CITY OF MEDFORD,

Defendant.

Case No. 1:21-cv-00766-CL

**AMICUS LEAGUE OF OREGON
CITIES' MOTION FOR LEAVE TO
APPEAR AND TO FILE AMICUS
BRIEF IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

LOCAL RULE 7-1 CERTIFICATION

Defendant has consented to the motion for leave. On the morning of June 30, 2023, counsel for amicus League of Oregon Cities ("LOC"), attempted to confer with counsel for Plaintiffs via email and telephone. The undersigned counsel was unable to reach plaintiffs' counsel.

LEGAL STANDARD

Federal district courts possess the inherent authority to accept amicus briefs. *See Greater Hells Canyon Council v. Stein*, 2018 WL 438924, at *1 (D. Or. Jan. 16, 2018) (citing *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *overruled on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995)); *In re Bayshore Ford Truck Sales, Inc.*, 471 F.3d 1233, 1249, n.34 (11th Cir. 2006) (“[D]istrict courts possess the inherent authority to appoint ‘friends of the court’ to assist in their proceedings.”) (citations omitted); *Jin v. Ministry of State Sec.*, 557 F. Supp. 2d 131, 136 (D. D.C. 2008) (“[D]istrict courts have inherent authority to appoint or deny *amici* which is derived from Rule 29 of the Federal Rules of Appellate Procedure.”) (quotation marks and citation omitted). The role of *amicus curiae* is to assist the court “in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision.” *Newark Branch, N.A.A.C.P. v. Town of Harrison, N.J.*, 940 F.2d 792, 808 (3d Cir. 1991) (citation omitted).

MOTION

The League of Oregon Cities moves the Court for an order allowing it to appear as *amicus* in this case and asks that this Court consider its proposed brief in this matter, which is attached to this motion as Exhibit A.

STATEMENT OF INTEREST

Founded in 1925, LOC is an intergovernmental entity consisting of Oregon’s 241 incorporated cities. Oregon cities formed the LOC to be, among other things, the effective and collective voice of Oregon’s cities before the courts. LOC members are, quite literally, on the front lines of confronting homelessness in America. At the same time, they are also obligated to

provide safe and livable communities for all residents. LOC members are actively working to balance these challenges while accommodating the limitations established in the Ninth Circuit’s decision in *Martin v. Boise*, 930 F.3d 584 (9th Cir. 2019), which is a primary issue in this case.

Proposed *amicus curiae* respectfully submit that the attached *amicus* brief will assist the Court. LOC brings a perspective on the legal issues involved that is distinct from defendant City of Medford. LOC’s brief addresses the broader impact of Eighth Amendment precedent on the approach cities use to address the homelessness crisis and the ways in which the Court’s ruling in this case could have more far-reaching impact on LOC’s members’ ability to enforce similar—but not identical—ordinances.

CONCLUSION

For these reasons, the League of Oregon Cities respectfully requests it be permitted to appear as *amicus* in this case and all related, consolidated cases and to submit the proposed brief attached as Exhibit A.

DATED: June 30, 2023.

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s/Anit Jindal

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